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8 **BEFORE THE**
9 **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

Case No. AL2008-454

13 **SUSAN MARIE CHAMPLIN**
14 **1300 Quarry Court, Ste. 115**
15 **Point Richmond, CA 94801**

STATEMENT OF ISSUES

Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Heather Martin ("Complainant") brings this Statement of Issues solely in her official
19 capacity as the Executive Officer of the California Board of Occupational Therapy ("Board"),
20 Department of Consumer Affairs.

21 2. On or about May 21, 2009, the Board received an application for an occupational
22 therapist license from Susan Marie Champlin ("Respondent"). On or about May 1, 2009,
23 Respondent certified under penalty of perjury that all of the information contained in the
24 application was true and correct. The Board denied the application on July 23, 2009.

25 **STATUTORY AND REGULATORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2570.26, subdivision (a), states that
27 "[t]he board may, after a hearing, deny, suspend, revoke, or place on probation a license,
28 certificate, inactive license, inactive certificate, or limited permit".

1 4. Code section 2570.28 states:, pertinent part:

2 The board may deny or discipline a licensee for any of the following:

3

4 (c) Violating or attempting to violate, directly or indirectly, or assisting in
5 or abetting the violation of, or conspiring to violate, any provision or term of this
chapter or any regulation adopted pursuant to this chapter . . .

6 5. Code section 2570.3, subdivision (a), states:

7 No person shall practice occupational therapy or hold himself or herself
8 out as an occupational therapist or as being able to practice occupational therapy, or
to render occupational therapy services in this state unless he or she is licensed as an
9 occupational therapist under the provisions of this chapter. No person shall hold
himself or herself out as an occupational therapy assistant or work as an occupational
10 therapy assistant under the supervision of an occupational therapist unless he or she is
certified as an occupational therapy assistant under the provisions of this chapter.

11 6. Code section 2570.18 states, in pertinent part:

12 (a) On and after January 1, 2003, a person shall not represent to the public
13 by title, by description of services, methods, or procedures, or otherwise, that the
person is authorized to practice occupational therapy in this state, unless authorized to
14 practice occupational therapy under this chapter.

15 (b) Unless licensed to practice as an occupational therapist under this
chapter, a person may not use the professional abbreviations "O.T.," "O.T.R.," or
16 "O.T.R./L.," or "Occupational Therapist," or "Occupational Therapist Registered," or
any other words, letters, or symbols with the intent to represent that the person
17 practices or is authorized to practice occupational therapy . . .

18 7. Code section 480 states, in pertinent part:

19 (a) A board may deny a license regulated by this code on the grounds that
20 the applicant has one of the following:

21

22 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
substantially benefit himself or herself or another, or substantially injure another.

23 (3)(A) Done any act that if done by a licensee of the business or
profession in question, would be grounds for suspension or revocation of license.

24 (B) The board may deny a license pursuant to this subdivision only if the
25 crime or act is substantially related to the qualifications, functions or duties of the
business or profession for which application is made . . .

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28 ///

1 8. California Code of Regulations, title 16, section ("Regulation") 4170 states, in
2 pertinent part:

3

4 (d) Occupational therapy practitioners shall perform occupational therapy
5 services only when they are qualified by education, training, and experience to do so.

6 (1) Occupational therapy practitioners shall hold the appropriate
7 credentials for the services they provide . . .

8 **FIRST CAUSE FOR DENIAL**

9 **(Practice of Occupational Therapy While Unlicensed)**

10 9. Respondent's application for an occupational therapist license is subject to denial
11 pursuant to Code sections 2570.28, subdivision (c), and 480, subdivision (a)(3)(A), in that
12 Respondent practiced occupational therapy, or held herself out as an occupational therapist or as
13 being able to practice occupational therapy or to render occupational therapy services when she
14 was not licensed as an occupational therapist in this state, in violation of Code section 2570.3,
15 subdivision (a), and Regulation 4170, subdivision (d)(1), as follows: On and between January 1,
16 2003, and June 17, 2009, Respondent practiced as an occupational therapist and rendered
17 occupational therapy services on a full-time basis (40 hours per week) at Mercy Retirement &
18 Care Center in Oakland, California, without an occupational therapist license from the State of
19 California. Further, Respondent, by her own admission, knew as early as 2003 that she was
20 required to obtain an occupational therapist license, yet continued to practice in that capacity
21 notwithstanding.

22 **SECOND CAUSE FOR DENIAL**

23 **(Misrepresentation)**

24 10. Respondent's application for an occupational therapist license is subject to denial
25 pursuant to Code sections 2570.28, subdivision (c), and 480, subdivision (a)(3)(A), in that
26 Respondent represented to the public by title that she was authorized to practice occupational
27 therapy in this state and used the professional abbreviation O.T.R., in violation of Code section
28 2570.18, as follows: Respondent used the professional abbreviation O.T.R. while practicing as an
occupational therapist and rendering occupational therapy services at Mercy Retirement & Care

Center when, in, fact, Respondent was not licensed to practice as an occupational therapist in this State.

THIRD CAUSE FOR DENIAL

(Dishonesty, Fraud or Deceit)

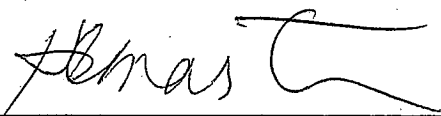
11. Respondent's application is subject to denial pursuant to Code section 480, subdivision (a)(2), in that she committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit herself, or substantially injure another, as set forth in paragraphs 9 and 10 above.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the California Board of Occupational Therapy issue a decision:

1. Denying the application of Susan Marie Champlin for an occupational therapist license ;
2. Taking such other and further action as deemed necessary and proper.

DATED: August 28, 2009


HEATHER MARTIN
Executive Officer
California Board of Occupational Therapy
Department of Consumer Affairs
State of California
Complainant